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SERGEANT CONROY TAM (# 138),  
OFFICER JARED HARRIS (# 1065), and  
OFFICER BRIAN HICKLIN (# 1151)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

WILLIE M. FLANIGAN,

Plaintiff,

vs.

SAN FRANCISCO POLICE DEPARTMENT,  
et al.,

Defendants.

Case No. 3:16-cv-00066 WHA (PR)

**PROPOSED FINAL PRETRIAL ORDER**

Hearing Date: March 15, 2023  
Time: 1:30 p.m.  
Place: Courtroom 12, 19th Floor  
Judge: Hon. William Alsup

Trial Date: June 5, 2023

The parties, Plaintiff WILLIE M. FLANIGAN (“Plaintiff”) and Defendants SERGEANT CONROY TAM, OFFICER JARED HARRIS, and OFFICER BRIAN HICKLIN (“Defendants”), hereby submit this Joint Proposed Final Pretrial Order pursuant to the Court’s Order. Doc. No. 230-1.

**I. Brief Description of the Substance of Claims and Defenses Which Remain to Be Decided.**

This Court issued a ruling on the Defendant’s motion for summary judgment on December 18, 2017. (ECF No. 53.) The Court issued an additional ruling on a subsequent motion for summary

judgment on August 29, 2020. (ECF No. 191) Under the orders, the only remaining claim at issue is the Fourth Amendment claim for excessive force after Plaintiff was taken to the ground by Defendant Conroy Tam. The only remaining defendants are Sergeant Tam, Officer Hicklin, and Officer Harris.

## **II. Statement of All Relief Sought**

Plaintiff seeks \_\_\_\_\_.

Defendants seek dismissal of the case, with an award of costs.

## **III. All Stipulated Facts**

- Plaintiff was driving a grey Toyota Highlander on October 31, 2014. (RFA 2)
- On October 31, 2014, Plaintiff smoked marijuana before the motor vehicle incident. (RFA 4)
- On October 31, 2014, San Francisco Police Officers drove behind Plaintiff in a marked patrol vehicle with lights and sirens activated. (RFA 6)
- On October 31, 2014, Plaintiff did not pull over when Police Officers drove behind Plaintiff in a marked patrol vehicle with lights and sirens activated. (RFA 7)
- At the time of the motor vehicle accident at Geary Avenue and Steiner Street on October 31, 2014, Plaintiff was fleeing from San Francisco Police Officers. (RFA 9)
- Plaintiff drove through multiple red lights to evade the San Francisco Police Department on October 31, 2014. (RFA 8)
- The airbag deployed on the grey Toyota Highlander that plaintiff was driving when it collided with a red truck at the intersection of Geary Avenue and Steiner Street on October 31, 2014.
- As of October 31, 2014, Plaintiff was subject to probation that included a warrantless search condition, and required Plaintiff to obey all laws. (RFA 45, 46, 48)
- As a result of the incident, Plaintiff's probation was revoked. (RFA 49)
- On May 18, 2007, Plaintiff was operating a gold Saturn that he did not own, was pursued by Officer Hanger with lights and sirens activated, and crashed into a guardrail during the pursuit. (RFA 18, 23, 26)
- After the crash on May 18, 2007, Plaintiff began fleeing the scene on foot. (RFA 29)

- 1 • After the crash on May 18, 2007, Plaintiff was taken into custody and gave officers a  
2 false name, stating that his name was Dante Flanigan. (RFA 30)
- 3 • On August 27, 2013, Plaintiff was arrested after driving a vehicle that did not belong to  
4 him and drove the vehicle at a high rate of speed in San Francisco, while being pursued  
5 by San Francisco Police officers. (RFA 36, 40)
- 6 • On August 17, 2013, during the high speed chase, Plaintiff did not stop at three separate  
7 intersections controlled by stop signs. (RFA 41)
- 8 • On August 17, 2013, Plaintiff crashed with a parked car while fleeing San Francisco  
9 Police officers in the vehicle that did not belong to him. (RFA 42)
- 10 • Plaintiff pleaded guilty to grand theft of a person, penal code section 487(c) as part of a  
11 negotiated disposition regarding his conduct on August 17, 2013. (RFA 44)
- 12 • On July 3, 2015, Plaintiff was driving a vehicle that did not belong to him. (RFA 51)
- 13 • On July 3, 2015, a marked California Highway Patrol vehicle activated lights and sirens  
14 behind Plaintiff while he was operating the vehicle that did not belong to him. (RFA  
15 54)
- 16 • On July 3, 2015, California Highway Patrol Officer Jakobsen gave plaintiff orders to  
17 exist the freeway but instead drove onto a new interstate, southbound interstate 280,  
18 and drove in excess of 100 miles per hour while Officer Jakobsen continued to pursue  
19 you onto southbound 101. (RFA 55, 57, 58)
- 20 • On July 3, 2015, Plaintiff exited the highway at the San Francisco International Airport  
21 and drove at a high rate of speed through the drop off area at the International Terminal  
22 at San Francisco International Airport while being pursued by Officer Jakobsen with  
23 lights and sirens activated. (RFA 60, 61, 62)
- 24 • On July 3, 2015, Plaintiff pulled over to the side of highway 101 after being pursued by  
25 Officer Jakobsen, because the vehicle he was driving ran out of gas. (RFA 64)
- 26 • On October 7, 2017, Plaintiff was driving a vehicle that he did not own and fled from  
27 San Francisco Police officers. (RFA 69, 71)
- 28

- On October 7, 2017, while Plaintiff was fleeing from San Francisco Police officers in a vehicle he did not own, he collided with a uniformed San Francisco Police officer on a bicycle. (RFA 75)
- Plaintiff was found guilty by a jury of his peers on multiple charges for his actions on October 7, 2017, including but not limited to: Evading an Officer Causing Serious Bodily Injury, a felony (Vehicle Code 2800.3(a)); Unlawful driving or taking of a vehicle, a felony (Vehicle Code Section 10841(a)); Assault on a Peace Officer with a Deadly Weapon, a felony (Penal Code Section 245(c)), causing great bodily injury as defined under Penal Code Section 12022.7(b); Unlawful driving or taking of a vehicle, a felony (Vehicle Code Section 10841); Reckless Driving, a felony (Vehicle Code Section 23103(a), causing Specified Injury, a felony (Vehicle Code Section 23105(a)); Leaving the scene of an accident, a felony (Vehicle Code Section 2001(a)), resulting in permanent, serious injury (Vehicle Code Section 2001(b)(2)); Receiving or Buying Stolen Property, a misdemeanor (Penal Code Section 496(a)); Unlicensed Driver, a misdemeanor (Vehicle Code Section 12500(a)); Hit-Run Driving, a misdemeanor (Vehicle Code Section 20002(a)).

#### **IV. List of All Factual Issues Which Remain to Be Tried**

- Whether any Defendant used excessive force;
  - Whether any Defendant “hogtied” Plaintiff at any time during his detention on October 31, 2015;
  - Whether any Defendant kicked Plaintiff at any time during his detention on October 31, 2015;
  - Whether any Defendant “stomped” on Plaintiff at any time during his detention on October 31, 2015;
  - Whether any Defendant punched Plaintiff, other than the single punch Officer Harris delivered in order to obtain Plaintiff’s compliance;
- Whether Plaintiff’s injuries were caused by the automobile crash or by any Defendant.

**V. Joint Exhibit List**

See attached. Defendants reserve the right to amend this exhibit list depending upon the content of Plaintiff's case in chief.

**VI. Each Parties Separate Witness List**

See attached. Defendants reserve the right to amend this witness list depending upon the content of Plaintiff's case in chief.

**VII. Trial Stipulations**

The parties will give notice by 2 p.m. each day of the witnesses that will testify in 2 days-time and a list of documents that will be used with the witness, except for impeachment documents.

The parties will give notice by 2 p.m. each day of exhibits to be used on cross-examination for witnesses the next day.

Dated: March 8, 2023

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Deputy City Attorney

By: /s/ Sabrina M. Berdux  
SABRINA M. BERDUX

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